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In re Application of: :
Jessell et al. :
Serial No.: 09/820,598 :
Filed: March 29, 2001 :
Attorney Docket No.: 57477-A-PCT-US/JPW/MVM :

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on April 4, 2005, requesting withdrawal of the holding of abandonment for failure to timely file a proper reply to the Office action mailed July 14, 2004. The delay in responding to this petition is regretted.

A review of the file history shows that the examiner mailed an Office action to applicants on July 14, 2004, setting a three-month statutory time period for reply. On February 9, 2005, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action. Specifically, the reply was not entered as the amendment was unsigned.

Applicants state that a response to the Office action was timely filed on May 11, 2004, as shown by the signed certificate of mailing date. Applicants also indicate that a signed transmittal letter identifying the amendment and IDS was submitted on May 11, 2004 and that this is sufficient according to 37 CFR 1.4 (d) (1). In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. This application is restored to pending status with the mailing of this decision and will be forwarded to the examiner for consideration of the amendment.

Patent term extensions should be applied for after a Patent issues.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600